

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: John Sabat, Jr. and Jeffrey R. Millar  
Application No.: 09/821,820 Group: 2152  
Filed: March 29, 2001 Examiner: Not yet assigned  
For: OPERATIONS AND MAINTENANCE ARCHITECTURE FOR  
MULTIPROTOCOL DISTRIBUTED SYSTEM

CERTIFICATE OF MAILING	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to Assistant Commissioner for Patents, Washington, D.C. 20231	
on <u>9-28-01</u>	<u>Delina Ranucci</u>
Date	Signature
<u>Delina Ranucci</u>	
Typed or printed name of person signing certificate	

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WRITTEN CONSENT OF ASSIGNEE IN CORRECTION OF INVENTORSHIP  
UNDER 37 C.F.R. §1.48(a)(5)

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

Transcept OpenCell, Inc., is the assignee of the entire right, title and interest in the referenced patent application and does hereby consent to the addition of Jeffrey R. Millar as an inventor in the application and the deletion of Peter Yelle as an inventor in the application.

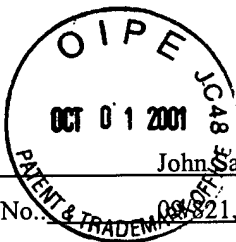
A Certificate under 37 C.F.R. § 3.73(b) is being filed concurrently with this Written Consent.

Respectfully submitted,

10/04/2001 MBERHE 00000088 09821820  
01 FC:122 130.00 OP

By John Sabat, Jr.  
John Sabat, Jr.  
Vice President, Chief Technology Officer  
Transcept OpenCell, Inc.

Manchester, New Hampshire 03103  
Date:

CERTIFICATE UNDER 37 C.F.R. § 3.73(b)Applicants: John Sabat, Jr. and Jeffrey R. MillarApplication No. 08/821,820Filed: March 29, 2001For: OPERATIONS AND MAINTENANCE ARCHITECTURE FOR MULTIPROTOCOL DISTRIBUTED SYSTEMTranscept OpenCell, Inc.  
(Name of Assignee)a Corporation  
(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

certifies that it is

- A. ☒ the assignee of the entire right, title and interest in the patent application identified above.
- B. ☐ an assignee together with ☐ of the entire right, title and interest in the patent application identified above. A separate Certificate under 37 CFR § 3.73(b) is attached.

The right, title and interest of the above-named assignee in the patent application identified above is established by virtue of:

- A. ☒ An assignment from the inventor(s) of the patent application identified above. The assignment was recorded in the Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

OR

- B. ☐ A chain of title from the inventor(s) of the patent application identified above, to the current assignee as shown below:

1. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.
2. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.
3. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are attached.

☐ Copies of assignments or other documents in the chain of title are attached.

The undersigned (whose title is supplied below) is empowered to act on behalf of the assignee.

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date: 8/29/01Name: John Sabat, Jr.Title: Vice President, Chief Technology OfficerSignature: *John Sabat, Jr.*

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Applicant(s): John Sabat, Jr. and Jeffrey R. Millar  
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on <u>9/28/01</u>	<u><i>Delina Ranucci</i></u>
Date	Signature
<u>Delina Ranucci</u>	
Typed or printed name of person signing certificate	

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STATEMENT UNDER 37 C.F.R. § 1.48(a)(2) by Peter Yelle

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

I, Peter Yelle, residing at 130 Park Road, Chelmsford, Massachusetts 01824, hereby state that I was named a co-inventor of the subject matter claimed in the above-captioned application as filed. The error of including my name as a co-inventor occurred without deceptive intention on my part.

Name *P. Yelle*

Date 9/17/01



THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: John Sabat, Jr. and Jeffrey R. Millar  
Application No.: 09/821,820 Group: 2152  
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For: OPERATIONS AND MAINTENANCE ARCHITECTURE FOR  
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on <u>9/28/01</u>	<u>Devin Ranucci</u>
Date	Signature
<u>Devin Ranucci</u>	
Typed or printed name of person signing certificate	

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STATEMENT UNDER 37 C.F.R. § 1.48(a)(2) by Jeffrey R. Millar

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

I, Jeffrey R. Millar, residing at 37 Springhill Road, Mont Vernon, New Hampshire 03057, hereby state that I am a co-inventor with John Sabat, Jr. of the subject matter claimed in the above-captioned application as filed. The error of omitting my name as a co-inventor occurred without deceptive intention on my part.

Name Jeffrey R. Millar

Date 9/20/01



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
ASSISTANT SECRETARY AND COMMISSIONER  
OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

SEPTEMBER 10 2001

PTAS

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.  
DAVID J. THIBODEAU, JR.  
TWO MILITIA DRIVE  
LEXINGTON, MA 02421-4799



\*101769314A\*

UNITED STATES PATENT AND TRADEMARK OFFICE  
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 07/02/2001

REEL/FRAME: 011940/0653  
NUMBER OF PAGES: 4

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:  
SABAT, JR. JOHN

DOC DATE: 05/08/2001

ASSIGNOR:  
YELLE, PETER

DOC DATE: 05/08/2001

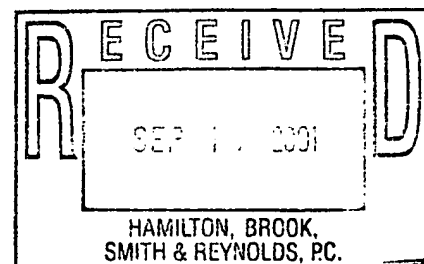
ASSIGNEE:  
TRANSCPT OPENCELL, INC.  
955 PERIMETER ROAD  
MANCHESTER, NEW HAMPSHIRE 03103

SERIAL NUMBER: 09821820  
PATENT NUMBER:

FILING DATE: 03/29/2001  
ISSUE DATE:

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TARA WASHINGTON, EXAMINER  
ASSIGNMENT DIVISION  
OFFICE OF PUBLIC RECORDS



OCT 01 2001

101769314

SECRET  
Y

To the Honorable Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof.

1. Name of conveying party(ies)  
John Sabat, Jr.  
Peter Yelle

2. Name and address of receiving party(ies)

Name: Transcept OpenCell, Inc.

Internal Address: \_\_\_\_\_

Additional name(s) of conveying party(ies) attached? ☐ Yes ☒ No

3. Nature of conveyance:

☒ Assignment

☐ Merger

☐ Security Agreement

☐ Change of Name

☐ Other \_\_\_\_\_

Execution Date: May 8, 2001

Street Address: 955 Perimeter Road

City: Manchester

State: NH

ZIP: 03103

Additional name(s) & address(es) attached? ☐ Yes ☒ No

4. Application number(s) or patent number(s):

If this document is being filed together with a new application, the execution date of the application is:

A. Patent Application No.(s)

09/821,820

B. Patent No.(s)

Additional numbers attached? ☐ Yes ☒ No

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: David J. Thibodeau, Jr.

Internal Address: \_\_\_\_\_

Hamilton, Brook, Smith & Reynolds, P.C.

Street Address: Two Militia Drive

City: Lexington State: MA ZIP: 02421-4799

6. Total number of applications and patents involved: [1]

7. Total Fee (37 C.F.R. 3.41)..... \$ 40.00

☒ Enclosed

☒ Authorized to charge any deficiencies or credit any overpayment to deposit account

☐ Authorized to be charged to deposit account

8. Deposit account number:

08-0380

(Attach duplicate copy of this page if paying by deposit account)

DO NOT USE THIS SPACE

9. Statement and signature.

*To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.*

David J. Thibodeau, Jr.

Name of Person Signing

[Signature]  
Signature

28 June 2001

Date

77/05/2001 TDIAZI 00000091 09821820

01 FC-581

Total number of pages including cover sheet, attachments, and document: [4]

Joint

ASSIGNMENT

WHEREAS, we, John Sabat, Jr. and Peter Yelle, have invented a certain improvement in **Operations and Maintenance Architecture for Multiprotocol Distributed System** described in an application for Letters Patent of the United States, the specification of which:

☐ is being executed on even date herewith and is about to be filed in the United States Patent Office;

☒ was filed on **March 29, 2001** as Application No. **09/821,820**;

☐ was patented under U.S. Patent No. ☐ on ☐.

WHEREAS, Transcept OpenCell, Inc. (hereinafter "ASSIGNEE"), a corporation organized and existing under the laws of the **State of Delaware**, and having a usual place of business at **955 Perimeter Road, Manchester, New Hampshire 03103** desires to acquire an interest therein in accordance with agreements duly entered into with us;

NOW, THEREFORE, to all whom it may concern be it known that for and in consideration of said agreements and of other good and valuable consideration, the receipt of which is hereby acknowledged, we have sold, assigned and transferred and by these presents do hereby sell, assign and transfer unto said ASSIGNEE, its successors, assigns and legal representatives, the entire right, title and interest in and throughout the United States of America, its territories and all foreign countries, in and to said invention as described in said application, together with the entire right, title and interest in and to said application and such Letters Patent as may issue thereon; said invention, application and Letters Patent to be held and enjoyed by said ASSIGNEE for its own use and behalf and for its successors, assigns and legal representatives, to the full end of the term for which said Letters Patent may be granted as fully and entirely as the same would have been held by us had this assignment and sale not been made; we hereby convey all rights arising under or pursuant to any and all international agreements, treaties or laws relating to the protection of industrial property by filing any such applications for Letters Patent. We hereby acknowledge that this assignment, being of the entire right, title and interest in and to said invention, carries with it the right in ASSIGNEE to apply for and obtain from competent authorities in all countries of the world any and all Letters Patent by attorneys and agents of ASSIGNEE's selection and the right to procure the grant of all such Letters Patent to ASSIGNEE for its own name as assignee of the entire right, title and interest therein;

AND, we hereby further agree for ourselves and our executors and administrators to execute upon request any other lawful documents and likewise to perform any other lawful acts which may be deemed necessary to secure fully the aforesaid invention to said ASSIGNEE, its successors, assigns and legal representatives, but at its or their expense and charges, including the execution of applications for patents in foreign countries, and the execution of substitution, reissue, divisional or continuation applications and preliminary or other statements and the giving of testimony in any interference or other proceeding in which said invention or any application or patent directed thereto may be involved;

AND, we do hereby authorize and request the Commissioner of Patents of the United States to issue such Letters Patent as shall be granted upon said application or applications based thereon to said ASSIGNEE, its successors, assigns, and legal representatives.

IN TESTIMONY WHEREOF, we have hereunto set our hands and affixed our seals the date set forth below.

Inventor's Signature: \_\_\_\_\_

John Sabat, Jr.  
John Sabat, Jr.

State/Commonwealth \_\_\_\_\_

of \_\_\_\_\_

County of \_\_\_\_\_

Then personally appeared before me the above-named **John Sabat, Jr.** and acknowledged that he/she executed the foregoing instrument as his/her free act and deed this 8<sup>th</sup> day of May, 2007.

(SEAL)

Sara Qual Notary Public  
(print name)  
**SARA QUAL NOTARY PUBLIC**  
**MY COMMISSION EXPIRES APRIL 2, 2002**  
My Commission expires \_\_\_\_/\_\_\_\_/\_\_\_\_

Inventor's Signature: Peter Yelle

Peter Yelle

State/Commonwealth  
of New Hampshire  
County of Hillsborough

Then personally appeared before me the above-named **Peter Yelle** and acknowledged that he/she executed the foregoing instrument as his/her free act and deed this 8<sup>th</sup> day of May, 2001.

(SEAL)

[Signature] Notary Public  
BARBARA GUAL, NOTARY PUBLIC  
MY COMMISSION EXPIRES APRIL 2, 2002  
(print name)  
My Commission expires \_\_\_\_/\_\_\_\_/\_\_\_\_



09/821-820

DOC. NO. 3176.1001-001

#7

THE UNITED STATES PATENT AND TRADEMARK OFFICE

Substitute Declaration for Patent Application

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As a named inventor, I hereby declare that:

My residence, mailing address and citizenship are as stated next to my name;

I believe I am the original, first and sole inventor (if only one name is listed) or an original, first and joint inventor (if plural names are listed in the signatory page(s) commencing at page 3 hereof) of the subject matter which is claimed and for which a patent is sought on the invention entitled

OPERATIONS AND MAINTENANCE ARCHITECTURE FOR MULTIPROTOCOL DISTRIBUTED SYSTEM

the specification of which was filed on March 29, 2001 as United States Application Number 09/821,820

and was amended on \_\_\_\_\_.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 C.F.R. §1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate, or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or of any PCT international application having a filing date before that of the application on which priority is claimed:

<u>Prior Foreign Application(s)</u>			Priority Not Claimed	Certified Copy Filed?	
				YES	NO
_____ (Number)	_____ (Country)	_____ (Day/Month/Year filed)	[ ]	[ ]	[ ]
_____ (Number)	_____ (Country)	_____ (Day/Month/Year filed)	[ ]	[ ]	[ ]
_____ (Number)	_____ (Country)	_____ (Day/Month/Year filed)	[ ]	[ ]	[ ]

I hereby claim the benefit under 35 U.S.C. §119(e) of any United States provisional application(s) listed below.

<u>60/192,870</u> (Application Number)	<u>March 29, 2000</u> (Filing Date)
_____ (Application Number)	_____ (Filing Date)

I hereby claim the benefit under 35 U.S.C. 120 of any United States application(s), or 365(c) of any PCT international application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. 112, I acknowledge the duty to disclose information known by me to be material to patentability as defined in 37 C.F.R. 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

(Application Serial No.)	(Filing date)	(Status: patented, pending, abandoned)
(Application Serial No.)	(Filing date)	(Status: patented, pending, abandoned)
(Application Serial No.)	(Filing date)	(Status: patented, pending, abandoned)
(Application Serial No.)	(Filing date)	(Status: patented, pending, abandoned)

Please continue to send correspondence to:

21005  
HAMILTON, BROOK, SMITH & REYNOLDS, P.C.  
Two Militia Drive  
Lexington, MA 02421-4799

Direct telephone calls to: David J. Thibodeau Telephone No.: 781-861-6240

Direct facsimiles to: David J. Thibodeau Facsimile No.: 781-861-9540

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

-----  
Full name of sole

or first inventor John Sabat, Jr.

Inventor's Signature *John Sabat Jr.* Date 9/17/61

Residence 16 Hansom Drive

Merrimack, New Hampshire 03054

Citizenship USA

Mailing Address Same  
-----

Full name of second joint

inventor, if any Jeffrey R. Millar

Inventor's Signature Jeffrey R. Millar Date 9/20/01

Residence 37 Springhill Road

Mont Vernon, New Hampshire 03057

Citizenship USA

Mailing Address Same